



Entered on Docket
September 19, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Ninth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Fox Hills 216, LLC Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fox Hills 216, LLC, Loan," ("Fox Hills Loan") [DE 8620] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fox Hills Loan; and good
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8620] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Fox Hills Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Fox Hills 216, LLC
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Foxhill 216, LLC Loan
10725-01549	12/6/2006	Loughlin Family Trust	C/O Richard J & Roberta L Loughlin Ttees 50 Greenbriar Cir Napa, CA 94558-1587	27,000.00	Unknown
10725-02178	1/12/2007	Marshall Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	100,000.00
10725-02433	1/12/2007	Michaelian Holdings Llc	413 Canyon Greens Dr Las Vegas, NV 89144-0829	1,267,075.50	100,000.00
10725-02037	1/11/2007	Miller Trust Dated 8/13/87	Gary I & Barbara Miller Ttees 2832 Tilden Ave Los Angeles, CA 90064	1,111,366.00	50,000.00
10725-01953	1/10/2007	Mirzaian, Katrine	708 Prospect Dr Glendale, CA 91205	344,011.56	100,000.00
10725-02153	1/12/2007	Moore, Patrick	C/O Muks Realty LLC 77-251 Iroquois Dr Indian Wells, CA 92210	608,516.68	100,000.00
10725-02150	1/12/2007	Newman Family Trust Dtd 9/20/97	Larry J & Elsie D Newman Ttees 1775 Autumn Valley Way Reno, NV 89523	1,000,238.46	100,000.00
10725-01923	1/10/2007	O'Riordan, John E & Sonhild A	2745 Hartwick Pines Dr Henderson, NV 89052-7002	3,476,504.52	100,000.00
10725-01865	1/10/2007	Oosthuizen, Adrian Jr	5860 Lausanne Dr Reno, NV 89511	2,711,295.30	80,000.00
10725-01959	1/10/2007	Osherow Trust Dtd 9/11/89	Aaron Osherow Trustee 8025 Maryland Avenue Apt 10-C Clayton, MO 63105	1,088,466.02	100,000.00

EXHIBIT A

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